

Jahan C. Sagafi (Cal. Bar No. 224887)  
Julia Rabinovich (Cal. Bar No. 290730)  
OUTTEN & GOLDEN LLP  
One Embarcadero Center, 38th Floor  
San Francisco, CA 94111  
Telephone: (415) 638-8800  
Facsimile: (415) 638-8810  
E-mail: jsagafi@outtengolden.com  
E-mail: jrabinovich@outtengolden.com

Justin M. Swartz (admitted *pro hac vice*)  
OUTTEN & GOLDEN LLP  
3 Park Avenue, 29th Floor  
New York, New York 10016  
Telephone: (212) 245-1000  
Facsimile: (646) 509-2060  
E-mail: jms@outtengolden.com

*Attorneys for Plaintiff and proposed Class Members*

Melinda Riechert  
MORGAN LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105-1596  
Telephone: (415) 422-1486  
Facsimile: (415) 422-1001  
E-mail: mriechert@morganlewis.com

*Attorneys for Defendants*

*Additional counsel listed on following page*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

JASON ZAJONC, individually and on behalf  
of all others similarly situated,

Plaintiff,

vs.

MORGAN STANLEY & CO. LLC, f/k/a  
Morgan Stanley & Co. Incorporated,  
MORGAN STANLEY SMITH BARNEY  
LLC, and MORGAN STANLEY,

Defendants.

Case No. 4:14-cv-05563-EMC

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO CONTINUE HEARING  
ON MORGAN STANLEY'S MOTION  
TO DISMISS, STAY, OR TRANSFER  
ACTION TO THE SOUTHERN  
DISTRICT OF FLORIDA PURSUANT  
TO THE FIRST-TO-FILE RULE**

Gregg I. Shavitz (admitted *pro hac vice*)  
Susan H. Stern (admitted *pro hac vice*)  
Paolo C. Meireles (admitted *pro hac vice*)  
SHAVITZ LAW GROUP, P.A.  
1515 S. Federal Hwy., Suite 404  
Boca Raton, Florida 33432  
Telephone: (561) 447-8888  
Facsimile: (561) 447-8831  
E-mail: gshavitz@shavitzlaw.com  
E-mail: ssstern@shavitzlaw.com  
E-mail: pmeireles@shavitzlaw.com

Jeffrey A. Klafter (*pro hac vice* application forthcoming)  
Seth R. Lesser (*pro hac vice* application forthcoming)  
Fran L. Rudich (admitted *pro hac vice*)  
KLAFTER OLSEN & LESSER, LLP  
Two International Drive, Suite 350  
Rye Brook, NY 10573  
Telephone: (914) 934-9200  
Facsimile: (914) 934-9220  
E-mail: jak@klafterolsen.com  
E-mail: seth@klafterolsen.com  
E-mail: fran@klafterolsen.com

*Attorneys for Plaintiff and proposed Class Members*

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

Plaintiff Jason Zajonc (“Plaintiff”) and Defendants Morgan Stanley & Co. LLC, Morgan Stanley Smith Barney LLC, and Morgan Stanley (“Morgan Stanley”) (collectively, the “Parties”) hereby stipulate as follows:

WHEREAS, on March 19, 2015, Morgan Stanley filed a Notice of Motion and Motion to Dismiss, Stay, or Transfer Action to the Southern District of Florida Pursuant to the First-to-File Rule (“Morgan Stanley’s Motion to Dismiss”) (Docket No. 37), noticing a hearing for April 23, 2015 at 1:30 p.m.;

WHEREAS, Plaintiff’s counsel are unavailable that day; and

WHEREAS, both parties’ counsel are available on April 30, 2015 at 1:30 p.m.

THEREFORE, it is hereby stipulated and agreed that the hearing on Morgan Stanley’s Motion to Dismiss (Docket No. 37) be continued to April 30, 2015 at 1:30 p.m.

Dated: March 26, 2015

By: /s/ Jahan C. Sagafi  
Jahan C. Sagafi

Jahan C. Sagafi (Cal. Bar No. 224887)  
Julia Rabinovich (Cal. Bar No. 290730)  
OUTTEN & GOLDEN LLP  
One Embarcadero Center, 38th Floor  
San Francisco, CA 94111  
Telephone: (415) 638-8800  
Facsimile: (415) 638-8810  
E-mail: jsagafi@outtengolden.com  
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OUTTEN & GOLDEN LLP  
3 Park Avenue, 29<sup>th</sup> Floor  
New York, New York 10016  
Telephone: (212) 245-1000  
Facsimile: (646) 509-2060  
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Gregg I. Shavitz (admitted *pro hac vice*)  
Susan H. Stern (admitted *pro hac vice*)  
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SHAVITZ LAW GROUP, P.A.  
1515 S. Federal Hwy., Suite 404  
Boca Raton, Florida 33432  
Telephone: (561) 447-8888  
Facsimile: (561) 447-8831  
E-mail: gshavitz@shavitzlaw.com  
E-mail: ssfern@shavitzlaw.com  
E-mail: pmeireles@shavitzlaw.com

Jeffrey A. Klafter (*pro hac vice* application forthcoming)  
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Fran L. Rudich (admitted *pro hac vice*)  
KLAFTER OLSEN & LESSER, LLP  
Two International Drive, Suite 350  
Rye Brook, NY 10573  
Telephone: (914) 934-9200  
Facsimile: (914) 934-9220  
E-mail: jak@klafterolsen.com  
E-mail: seth@klafterolsen.com  
E-mail: fran@klafterolsen.com

*Attorneys for Plaintiff and Proposed Class Members*

Dated: March 26, 2015

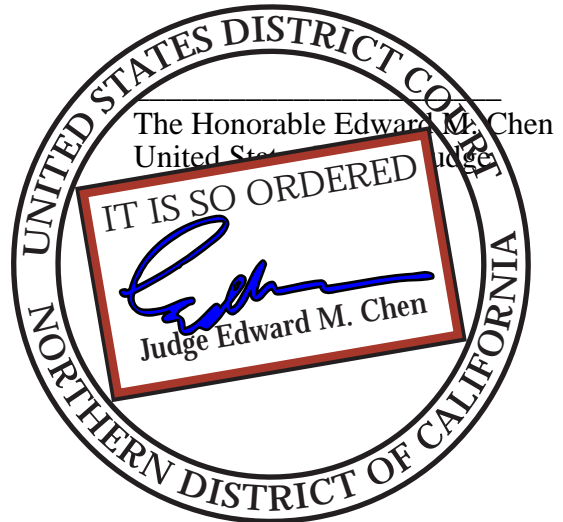
By: /s/ Melinda Riechert  
Melinda Riechert

Melinda Riechert  
MORGAN LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105-1596  
Telephone: (415) 422-1486  
Facsimile: (415) 422-1001  
E-mail: mriechert@morganlewis.com

*Attorneys for Defendants*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: March <sup>31</sup>, 2015



STIPULATION AND [PROPOSED] ORDER  
TO CONTINUE HEARING

4:14-cv-05563-EMC

**ATTESTATION OF SIGNATURE**

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatory above.

DATED: March 26, 2015

OUTTEN & GOLDEN LLP

By: /s/ Jahan C. Sagafi

*Attorneys for Plaintiff and Proposed Class Members*